G R S 58]
Previous references

Mel File No 234—14

Serial Nos 142

1915.

(Municipal)

Later references
Mel 33-15 & 1443 B Aug 1915

Prusin

GENERAL AND REVENUE SECRETARIAT

Serial Nos 142.

Part B for May 1915.

SUBJECT

Prayer of Dr Dadiana Setty, regarding to be exempted from payment of Mel taxes on his shops, the rents from which are utilized for charitable purposes

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G O Mel 8837-907. D 5 15.

Disallows the prayer of Dr Dadiana Setty for exemption of his shops from payment of taxes as the Mel rules do not provide for the same

G.P.—1,000—21-7-14

Asst Secy
5/6/15

G R S 111] 1914

GENERAL AND REVENUE SECRETARIAT

(Gul)

NOTES

File No 234/14

FILE HEADING

Exemption from municipal taxation of certain private buildings in the Bangalore city

From

The President and Council, Bangalore City

No 277 Dated 13 3 1915 Received 18 3 15

Diary No 799	Enclos 2 Spare Copies	Serial No 1

BRIEF ABSTRACT OF LETTER

Submits for orders the prayer of Mr Govindarama Setty to be exempted from payment of Municipal taxes on his choultries rents from which are utilized for charitable purposes, and certain cases in which exemptions have been granted by the Govt Council and solicits definite instructions in the matter

NOTES AND ORDERS

2) The cases of exemptions referred to in proviso (a) to Sec 59 of the Municipal Regulations are pending on the Govt Council, unless the express consent of Govt is obtained to any case

Notes Further Sheet

C I B—2m 600 3-5-11

Serial No

in any of these cases. But the Ind Council are at liberty to grant exemptions in accordance with rules (of general application & principles) framed by them under sec 46(c) of the Ind Regulations The disposal of each case on merits as has been done in the instances cited in the paper under disposal does not seem to be objectionable

3) If approved the President may be informed that the Ind Council are authorised to grant any exemptions they like provided that such action is covered by the rules under sec 46(c) of the Ind Regulations

4) The Ind Council of the Bangalore City have framed rules under 46(c) & the exemptions from taxation are given in Col 5 of the Schedule of Taxes If they have to grant any exemptions not falling under those specified therein, the schedule will have to be amended accordingly The aspect of the case may also be pointed out

5) Draft proposals if approved, a draft will be put up

Rs 48
19/3/15

b) Please put up copies of the Rules & Orders that govern the grant of exemptions

20/3

VOL II—Contn sheet

GPH—600-2.11.11

3 R S 12]

5999

General and Revenue Secretariat | Mul File No 234 of 1914

Serial No	
R	7) A Copy of the rules to pass up [illegible] (a) to Sec 59 & (a) to Sec 46 & Sec 46(c) seem to apply to the case Submitted TDS 48 26.3.15 ~~Case~~ & 27/3 There is no scope for an exemption or a remission in this Case The case does not fall under Sec 59 proviso (a) of the Mun Regn, nor under col 5 of the Schedule of Taxes of the Bangalore City Mun Council, inasmuch as they apply only to buildings which are themselves used for charitable or other public purposes The fact that the owner has resolved to set apart the rent received by him from certain buildings for Charitable objects cannot give any immunity from taxation, and indeed it would be dangerous if such be the case, for the so-called earmarking is one which can be altered as easily as it was made - {But there is no by the owner No remission, either

Note—Contn sheet

R S 12]

General and Revenue Secretariat | Mb File No 234 of 1914

Serial No

given, as Rule 3 under clause (e) of Sec 46, Contemplates remissions only in Cases of poverty of the rate-payer, or the property having remained unoccupied

draft accordingly & send copy to other Secretariat Departments

HM
29/3

29/3

Draft of an order is submitted

In this Connection it is respectfully submitted that although the shops under reference may not be exempted from Municipal taxes under the existing bye-laws there seems to be nothing in the Regn to prevent the Municipal Council from exempting such buildings by suitably amending the schedule of taxes under Sec 60 Cl (a) (iii), provided Govt agree. In the circumstances it is for consideration whether any definite ruling from the Govt about the Municipal exemption of private buildings is necessary or whether the Municipal Council may not proceed to recover the tax and leave the party to challenge the demand, if necessary in a Civil Court

Govt can suspend a rule for exemption if good Sanction it, but that rule will hold Good but how does it affect the present case?

This is what they should do, but as they have asked for advice, there is no harm in saying it

HM
31/3

Submitted

10/4/15

HM
12/4

Respectfully

HM
[illegible]

GPP—45 000—2 11 14

5199

G R S 12]

General and Revenue Secretariat | Ind File No 234 of 1916.

Serial No		
	10	Draft may be app Dewan
6966/1544		
	11	Draft approved by the Dewan 3/5
	12	4/5
2	13	G.O.No 8561-96. 8.5.15. States that Govt. decide that the shops referred to in Sl. 1. cannot claim exemption from payment of taxes, but the remission of taxes is permissible.

GPE—25,000—22-3-15

6

D 5799 M 234-14-1

No 277 OFFICE OF THE MUNICIPAL COUNCIL,

Enclosure 2 w o Bangalore City, 13th March 1915

From

DEWAN BAHADUR RAJA SABHA BHUSHANA
K P PUTTANNA CHETTY, ESQ,
Hony President, Municipal Council,
Bangalore City

To

The Secretary to the Government of
His Highness the Maharaja of Mysore,
General & Revenue Departments, Bangalore

SIR,

I have the honor to submit herewith for the information and orders of Government, petition dated the 12th December 1914 from Janopakari Mr. Doddanna Setty praying for his shops within his school compound being exempted from payment of Municipal taxes and copy of the Municipal Council's resolution thereon dated the 30th January 1915 recommending full exemption from payment of taxes amounting to ₹ 228-13-1 per annum.

2. Mr. Doddanna Setty has, ever since the construction of those shops, withheld the payment of Municipal taxes imposed on them and, since December 1913, has been petitioning the Municipality for exemption of tax on the said shops on the ground that the rent realized on them was utilized for the upkeep of his free A.V. School which is a charitable institution. The assessment due up to date amounts to Rs 554-14-11

3. The Managing Committee observed that since the buildings in question were intended for the purpose of profit, that is, deriving a rent, they could not be exempted from the shop tax under Section 59 (xi) (a) of the Municipal Regula-

a

Date

To

Mailed

Dispatched

Received

General No.

No.

Enclosure No.

7

and accordingly refused to comply with his request.

4. Mr. Doddanna Setty again, in his petition of the 12th December 1914, referred to above, represented that he has built a free school at much self sacrifice, that more funds are needed for the maintenance of an Industrial school and that the proceeds of the rent from the shops are fully devoted for the school etc. The Managing Committee were again of opinion that the granting of any concession in the case was opposed to the Municipal Regulation

5. The question was then placed before the Municipal Council on the 30th January 1915 for consideration. Some of the members remarked that though the shops were rented out, the rent was utilized directly for the benefit of the free school and, as such, they were entitled to exemption. Certain other members were of opinion that the exemption was in direct violation of the Municipal Regulation and Bye-laws and therefore not admissible. After a prolonged discussion on the subject, votes were taken - 8 Councillors were in favour of granting the exemption The others did not vote.

6. A literal and strict application of Section 59 (xi)(a) of the Municipal Regulation has been found in practice to operate as a great hardship in certain cases. In certain instances exemption has been granted while in others it has been refused on the strength of the above section, and there has been no uniformity of procedure in this respect. The following few cases which have been dealt with by the Municipal Council may illustrate what is stated above.

7 (1) Two private shops in the City Vegetable Market have been endowed by a gentleman, by way of charity, to Sri Venugopalaswami temple in the Malleswaram Extension Mr. Venkatarangiengar who is the Dharmakarta of that temple

applied

applied for exemption from payment of taxes thereon on the ground that the rent derived from those two shops was utilized for the benefit of the temple. The Municipal Council at the meeting of the 29th March 1913 passed a resolution declining to grant the exemption as the buildings do not fall within the category of charitable buildings although the proceeds therefrom may be applied to charity.

(2) Kayamgadi Papanna applied for exemption of taxes for his two houses, viz, No. 55 in Gundopanth's street and No. 5 in Akkipet as he is using them solely for the treatment of poor patients suffering from dislocation of joints, sprain and similar injuries, free of cost. The Municipal Council, in consideration of the useful public service done by Papanna, granted the exemption for those two houses as long as they are used for the purpose. Papanna subsequently applied for similar concession being shown in the case of the remaining 7 houses of his for the same reason. The Managing Committee refused to grant the exemption as the buildings in question were dwelling houses.

(3) In March 1914, the Agent of the Sringeri Matt applied for exemption from payment of Municipal taxes imposed on the three buildings erected in the compound of the Sankar Matt in the New Extension on the ground that they are endowed to the Matt by some charitable gentlemen and that they are assigned as free quarters to some of the teachers and students of the Indian Sanskrit Institute located in the Sankar Matt The Municipal Council, in the meeting of the 22nd April 1914, granted the exemption as a special case, on the recommendation of the Managing Committee.

(4) The Manager of the Sri Rameswara temple in Chamarajapet applied in August 1909 for exemption from the levy of shop tax on a petty grain shop opened in the compound

of

of the temple on the ground that the proceeds of the rent were utilized for the benefit of the temple. The Municipal Council, in the meeting of the 28th August 1909, resolved that no exemption could be granted.

8. It will thus be seen that there has been no uniformity of action in the matter. I therefore request the favour of definite orders being issued on the question of granting exemptions in such cases.

9. Another application has since been received from Mr. Aga Abbas Ali for exemption of taxes on his bungalow in the High Ground on the alleged ground that the rent is being used for charitable purposes. There are hundreds of such cases in the City.

I have the honor to be
Sir,
Your most obedient servant,

Honorary President.

Ex Ex Wl 234-14-1 10

Extract from the Proceedings of the an Ordinary General Meeting of the City Municipal Council, Bangalore, held at the Office premises at 4 A.M., on Saturday the 30th January 1915.

P r e s e n t.

Rowan Bahadur Rajasabha Bhushana K.P. Puttanna Chetty Esqr., Honorary President.

The Executive Engineer, Bangalore Division.

R. Subba Rao Esqr, M.B.C.M., Health Officer.

Rev. E.S. Edwards.

C.V. Narasimhaiengar Esqr, B.A.D.L.

D.B. Ramachandra Pudaliar Esqr.,

D.K. Garuda Char Esqr.,

S.N. Subba Rao Esqr.,

D. Ramalingappa Esqr.,

D.V. Ramanand Chetty Esqr B.A.

D. Usman Khan Esqr.,

M. Subbaiya Esqr, B.A.,

S. Abdur Rahman Esqr, B.A.,

K. Nanaiya Esqr.,

D. Hanumappa Esqr.,

S. Ramachandrawami Esqr, B.A.,

D. Venkataramaiya Esqr, B.A.,

S. Venkatarangaiengar Esqr.,

A b s e n t.

C. Venkata Rao Esqr, B.A., Vice President.

The Amildar, Bangalore Taluk.

G. Rajappa Esqr.,

B. Chinnaswami Chetty Esqr.,

D. Adappa Esqr.,

G. Siddaveerappa Esqr.,

14. Opinion of the Managing Committee dated the 9th January 1915, declining to remit any portion of the Municipal taxes imposed on the shops attached to Mr. Doddanna Setty's free school, as prayed for by him.

Resolution - Resolved that full exemption from payment of shop taxes amounting to Rs 238-13-1 per annum be granted.

Sd. K.P. Puttanna Chetty,
Honorary President.

" C O P Y ".

for Honorary President.

11 14

Proceedings of the Government of His Highness the Maharaja of Mysore.

R e a d -

Letter No.277 dated the 13th March 1915 from the President, Bangalore City Municipal Council, submitting for orders petition from Janopakari Mr Doddanna Setty praying that the shops erected by him within his school compund for the benefit of the School may be exempted from Municipal taxes, and stating that there has been no uniformity of action hitherto in the matter of exemption of buildings from Municipal taxation.

Order - 8581-90 ml 234-14 — 2

Dated Bangalore 8th May ~~April~~ 1915

Government do not consider that the shops referred to are entitled to exemption from payment of taxes as the buildings are not used directly for any charitable ~~and~~ other pu[illegible]

purposes, and the fact that the owner of the buildings proposes to set apart the rent realised from them for charitable objects cannot secure to them any immunity from taxation.

3. Nor is remission of taxes permissible under Rule 3 of the Rules framed by the Bangalore City Municipal Council under Section 46 (i) of the Municipal Regulation as that rule contemplates only cases in which the ratepayer is poor or the building is vacant

3.5.15

Offg Secretary to Govt

26/41

To

The President, Bangalore City Municipal Council, returning Mr Janopakari Doddanna Setty's petitions

The President, Mysore City Municipal Council, through the Deputy Commissioner, Mysore District for information

The Deputy Commissioners of Districts for the information of their Municipal Councils